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UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF CALIFORNIA

NICOLAS ROBLES,

Case No.: C08-997 PJH

Plaintiff,

vs.

EDSON CAMACHO, OSVALDINA LIMA,
and DOES 1-10,

ANSWER TO COUNTERCLAIM

Defendants

EDSON CAMACHO, OSVALDINA LIMA

Counterclaim Plaintiffs,

vs.

NICOLAS ROBLES,

Counterclaim Defendant

COMES Counterclaim Defendant NICOLAS ROBLES in answering the Counterclaim
as follows:

1. In answering the paragraph 1 of Counterclaim, Counterclaim Defendant admits
the allegation stated in this paragraph.

2. In answering the paragraph 2 of Counterclaim, Counterclaim Defendant admits
the allegation stated in this paragraph.

ANSWER TO COMPLAINT
Robles v. Camacho, et al

1 3. In answering the paragraph 3 of Counterclaim, Counterclaim Defendant denies
2 the allegation stated in this paragraph.

3 4. In answering the paragraph 4 of Counterclaim, Counterclaim Defendant admits on
4 various occasions, he purchased building materials on behalf of Counterclaim Plaintiffs.
5 Counterclaim Defendant denies any other allegations contained in this paragraph.

6 5. In answering the paragraph 5 of Counterclaim, Counterclaim Defendant denies all
7 allegations stated in this paragraph.

8 6. In answering the paragraph 6 of Counterclaim, Counterclaim Defendant denies
9 all allegation stated in this paragraph.

10 7. The paragraph 7 of Counterclaim does not require a response as it does not relate
11 to the substances of Counterclaim and is immaterial, impertinent or scandalous in nature. As
12 such, Counterclaim Defendant denies the allegations contained in paragraph 7 of Counterclaim.

13 8. In answering the paragraph 8 of Counterclaim, Counterclaim Defendant denies all
14 allegations stated in this paragraph.

15 9. In answering the paragraph 9 of Counterclaim, Counterclaim Defendant denies all
16 allegations stated in this paragraph.

17 10. In answering the paragraph 10 of Counterclaim, Counterclaim Defendant restates
18 all responses stated in paragraphs 1 to 9.

19 11. In answering the paragraph 11 of Counterclaim, Counterclaim Defendant denies
20 all allegations stated in this paragraph.

21 12. In answering the paragraph 12 of Counterclaim, Counterclaim Defendant denies
22 all allegations stated in this paragraph.

23 13. In answering the paragraph 13 of Counterclaim, Counterclaim Defendant restates
24 all responses stated in paragraphs 1 to 12

1 14. In answering the paragraph 14 of Counterclaim, Counterclaim Defendant denies
2 all allegations stated in this paragraph.

3 15. In answering the paragraph 15 of Counterclaim, Counterclaim Defendant denies
4 all allegations stated in this paragraph.

5 16. In answering the paragraph 16 of Counterclaim, Counterclaim Defendant denies
6 all allegations stated in this paragraph.

7 17. In answering the paragraph 17 of Counterclaim, Counterclaim Defendant denies
8 all allegations stated in this paragraph.

9 18. In answering the paragraph 18 of Counterclaim, Counterclaim Defendant denies
10 all allegations stated in this paragraph.

11 **AFFIRMATIVE DEFENSES**

12 1. AS A FIRST AFFIRMATIVE DEFENSE TO THE COUNTERCLAIM ON FILE
13 HEREIN, AND TO EACH ALLEGED CAUSE OF ACTION CONTAINED THEREIN,
14 Counterclaim Defendant alleges that said Counterclaim fails to state facts sufficient to constitute
15 a cause of action against Defendants.

16 3. AS A SECOND, SEPARATE AND AFFIRMATIVE DEFENSE TO THE
17 COUNTERCLAIM ON FILE HEREIN, AND TO EACH ALLEGED CAUSE OF ACTION
18 CONTAINED THEREIN, Counterclaim Defendant alleges that the Counterclaim Plaintiffs have
19 effectively waived the alleged claims explicitly or implicitly by their own conduct or otherwise.

20 7. AS A THIRD, SEPARATE AND AFFIRMATIVE DEFENSE TO THE
21 COUNTERCLAIM ON FILE HEREIN, AND TO EACH ALLEGED CAUSE OF ACTION
22 CONTAINED THEREIN, Counterclaim Defendant alleges that Counterclaim is barred by the
23 doctrine of laches,

24 8. AS A FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE TO THE
25 COUNTERCLAIM ON FILE HEREIN, AND TO EACH ALLEGED CAUSE OF ACTION

1 CONTAINED THEREIN, Counterclaim Defendant alleges that Counterclaim is barred by the
2 doctrine of unclean hands.

3 9. AS FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE TO THE
4 COUNTERCLAIM ON FILE HEREIN AND TO EACH ALLEGED CAUSE OF ACTION
5 CONTAINED THEREIN, Counterclaim Defendant alleges that Counterclaim Plaintiff has
6 waived and is estopped and barred from alleging the matters set forth in the Counterclaim;

7 10. AS A SIXTH, SEPARATE AND AFFIRMATIVE DEFENSE TO THE
8 COUNTERCLAIM ON FILE HEREIN AND TO EACH ALLEGED CAUSE OF ACTION
9 CONTAINED THEREIN, Counterclaim Defendant allege that the alleged causes of action set
10 forth in the Counterclaim are, and each of them is, barred by the statute of limitations as set forth
11 in the California Code of Civil Procedure sections 335 through 349.4.

12 WHEREFORE, Counterclaim Defendant prays that Counterclaim Plaintiffs take nothing
13 against Counterclaim Defendant by its Counterclaim; that Counterclaim Defendant have
14 judgment for costs of suit, attorney's fees herein incurred, together with such other and further
15 relief as may be just and proper.

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18 Dated: July 15, 2008

By: /s/ Adam Wang
Adam Wang
Attorney for Counterclaim Defendant